

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BARBARA JONES, ERICA JONES,  
and CHARITY JONES**  
*Plaintiffs,*

**v.**

**CELADON TRUCKING SERVICES**  
*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§

**C.A. NO.: 3:13-CV-02683**

**DEFENDANT CELADON TRUCKING SERVICES' NOTICE OF REMOVAL**

Defendant, Celadon Trucking Services, files this Notice of Removal pursuant to 28 U.S.C. § 1441.

**I. INTRODUCTION**

1. Pursuant to 28 U.S.C. § 1441, *et seq.*, this civil action is removed from the 14<sup>th</sup> Judicial District Court, in Dallas County, Texas where this matter was pending under Cause No. DC-13-06382-A, in a matter styled *Barbara Jones, Erica Jones, and Charity Jones v. Celadon Trucking Services*.

**II. NATURE OF SUIT**

2. Plaintiffs' lawsuit is the result of an automobile collision which took place on or about June 11, 2011. Plaintiffs seek damages associated with that accident under negligence, gross negligence, negligent entrustment, respondeat superior legal theories. *See* Pls.' Original Pet. ¶¶ 5.1-6.2 at *Tab 1*.

### **III. TIMELINESS OF REMOVAL**

3. Plaintiffs commenced this lawsuit by filing their Original Petition on June 10, 2013. Plaintiffs' Original Petition asserted an amount in controversy of at least two-hundred and twenty thousand dollars and zero cents (\$220,000.00). *See Tab 1 ¶¶ 6.2, 7.6 & 8.4.*

4. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days after Defendant received a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

### **IV. BASIS FOR REMOVAL JURISDICTION**

5. Removal is proper under 28 U.S.C. §§1441 and 1332(a) because there is a complete diversity of citizenship between Plaintiffs and Defendant, the amount of controversy exceeds \$75,000.00 and no properly joined Defendant is a citizen of the State of Texas.

#### **A. Proper Parties**

6. Plaintiffs are, and were at the time of the filing of this action, citizens of Texas.

7. Defendant is now, and was at the time of the filing of this action, a New Jersey corporation that is headquartered and has its principal place of business in Indianapolis, Indiana.

#### **B. Amount In Controversy**

8. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Plaintiffs seek pain and suffering, punitive and actual damages associated with the car accident and related personal injuries. *See Tab 1 ¶¶ 6.2, 7.1-7.6, 8.1-8.4.* Accordingly, it is "facially apparent" that Plaintiffs' claims likely exceed \$75,000.00, which is all that is required to satisfy the amount-in-controversy requirement. *See Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

**V. NOTICE IS PROCEDURALLY CORRECT**

9. Defendant has attached to this Notice of Removal the documents required by 28 U.S.C. § 1446(a) and Local Rule 81.1(a)(3) as follows:

- A: Index of all attachments, including a copy of the state-court docket sheet and a copy of each document filed in the State Court Action; and
- B: Signed certificate of interested parties.

10. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(b) because no properly joined and served Defendant is a citizen of Texas, the state in which the action was brought. This action is removable to this Court because this United States District Court and Division embraces the place where the State Court Action was pending. 28 U.S.C. §§ 124(a)(1), 1441(a).

11. In accordance with 28 U.S.C. § 1446(d), written notice of filing of this Notice of Removal will be given to all parties and to the Clerk of the 14th Judicial District Court of Dallas County, Texas.

DATED: July 12, 2013.

Respectfully submitted,

**GAUNTT, EARL, BINNEY & KOEN, L.L.P.**

/s/ Robert J. Collins

ROBERT J. COLLINS

State Bar No.: 24031970

[Robert.Collins@GEBKlawyers.com](mailto:Robert.Collins@GEBKlawyers.com)

RACHEL R. VULPITTA

State Bar No.: 24084789

[Rachel.Vulpitta@gebklawyers.com](mailto:Rachel.Vulpitta@gebklawyers.com)

14643 Dallas Parkway, Suite 500

Dallas, Texas 75254

(972) 630-4620 – Telephone

(972) 630-4669 – Fax

**ATTORNEY FOR DEFENDANT CELADON  
TRUCKING SERVICES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was forwarded to the pro se litigant in this matter pursuant to the Texas Rules of Civil Procedure, as indicated below, on this the 12<sup>th</sup> day of July, 2013.

**Certified Mail # 7011 1150 0002 2363 5597**

Barbara Jones

Erica Jones

Charity Jones

103 Triumph Road

Dallas, Texas 75241

/s/ Robert. J. Collins

ROBERT J. COLLINS